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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 11th June, 1949

ORDINANCE No. XI OF 1949.

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ORDINANCE

to provide for the payment, in the form of Post Office National Savings Certificates, of bonus payable to workmen or employees under the award of any Industrial Tribunal or of the Industrial Court, Bombay, in Reference (IC) No. 7 of 1949.

WHEREAS an emergency has arisen which makes it necessary to provide for the payment, in the form of Post Office National Savings Certificates, of bonus payable to workmen or employees under the award of any Industrial Tribunal or of the Industrial Court, Bombay, in Reference (IC) No. 7 of 1949;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Industrial Tribunals Payment of Bonus (National Savings Certificates) Ordinance, 1949.

(2) It extends to all the Provinces of India except section 3 which extends to the Province of Bombay only.

(3) It shall come into force at once.

2. Payment of bonus in the form of Post Office National Savings Certificates.—

(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1936), or in any other law for the time being in force, it shall be lawful for any Industrial Tribunal, when making an award in relation to any industrial dispute, to direct that the bonus which may become payable under the award shall, to the extent of any part thereof not exceeding one-half of the amount of the

bonus in any case, be paid in the form of Post Office National Savings Certificates of such denominational values as may be specified by the Industrial Tribunal;

Provided that no such direction shall be made under this sub-section, if it will have the effect of reducing the amount of the bonus payable in cash to the workman to less than the amount of the basic wages payable to him for a month's service.

(2) Any direction made by an Industrial Tribunal under sub-section (1) shall be binding on the parties thereto in the same manner and to the same extent as the award in which it is made is binding on the parties under the law for the time being in force relating thereto.

Explanation.—In this section—

(a) "Industrial Tribunal" means any Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (XIV of 1947), and includes any arbitrator, officer, Board of Arbitration, Industrial Court, Labour Court or other authority appointed or constituted under any other law for the time being in force relating to the adjudication of industrial disputes;

(b) words used but not defined herein and defined in the Industrial Disputes Act, 1947 (X. V of 1947), or in any other law for the time being in force relating to the adjudication of industrial disputes have the meanings assigned to them in that Act, or other law as the case may be.

3. Special provision for the payment of bonus in Reference (1C) No. 7 of 1949 of the Industrial Court, Bombay.—Notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1.36), or in any other law for the time being in force,—

(a) the second instalment of the bonus payable on or before the 30th day of June, 1949, under the terms of the award, dated the 23rd day of April, 1949, in Reference (1C) No. 7 of 1949, made by the Industrial Court, Bombay, constituted under the Industrial Relations Act, 1946 (Bombay Act XI of 1947), and

(b) the bonus payable in one lump sum on or before the 30th day of November, 1949, under the terms of the said award,

shall, to the extent of two-thirds of the amount thereof in the case specified in clause (a) and to the extent of one-third of the amount thereof in the case specified in clause (b), be paid to the persons entitled thereto under the said award in the form of 12-Year Post Office National Savings Certificates.

4. Penalties.—(1) If any person contravenes any of the provisions of this Ordinance or of any rule made thereunder, he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

(2) Where a person committing an offence under this Ordinance or of any rule made thereunder is a company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

5. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which any Post Office National Savings Certificates may be purchased or issued for the purpose of this Ordinance;

(b) the manner in which fractions of a rupee may be rounded off to the nearest rupee; and

(c) the payment in cash or otherwise of any part of the bonus for which it is not practicable to issue any denomination of Post Office National Savings Certificates.

C. RAJAGOPALACHARI,

Governor-General.

K. V. K. SUNDARAM,

Secretary.

